

Engrossed bill to be entitled An Act to authorize Lucius A. Hardee to establish ferries across the Suwannee and Withlacoochee Rivers,

Came up on a third reading, and was on motion, laid upon the table.

Engrossed bill to be entitled An Act to repeal an act, to authorize Platt and others to build a bridge across Suwannee river,

Came up, and was on motion, laid on the table.

Mr. Blackburn moved that the rules be waived so as to allow him to introduce a resolution, which being done, he offered the following joint resolution:

Be it resolved, by the Senate and House of Representatives, of the State of Florida, in General Assembly convened, That the 5th section of An Act to provide for the removal of the Indians now remaining in Florida beyond the limits of the State, approved January 20, 1851, be, and the same is hereby suspended, until the 10th day of October next;

Which was read a first time, and ordered for a second reading on to-morrow.

On motion of Mr. Baldwin,

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 9th, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Zealey officiated as chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

On motion of Mr. Finley, the rule was waived so as to allow him to introduce without previous notice,

A bill to be entitled An Act authorizing the institution of suits in certain cases, against corporations by publication;

Which bill was received and placed among the orders of the day.

Mr. Long moved that a message from His Excellency the Governor, in regard to the appointment of a Cotton Weigher for the County of Leon, be taken from the table, for the purpose of acting thereon;

Which was agreed to, and the nomination of Robert Heir was advised and consented to.

Mr. Blackburn according to previous notice, introduced a bill to be entitled An Act to amend and simplify the Election Laws now in force in this State.

Which bill was placed among the orders of the day.

On motion of Mr. Snell, the rule was waived, and he allowed to introduce without previous notice,

A bill to be entitled An Act to preserve the Judicial and State Libraries of the State, and to appoint a librarian therefor;

Which was received and placed among the orders of the day for to-day.

Mr. Moseley presented a petition from Isaac A. Pillans, of Madison County, praying for relief, &c.;

Which was read,

And on motion, the petition and accompanying papers were referred to the Committee on Claims and Accounts.

Mr. Baldwin moved that a committee of three be appointed by the Senate, to wait upon the Secretary of State, and obtain from him two bills passed during the last sitting of the Legislature, in regard to amendments proposed to the Constitution of this State, which amendments it is necessary for the present session to act upon.

Which motion was agreed to,

And Messrs. Baldwin, Forsyth and Long, were appointed said Committee.

The committee retired, and in a few minutes returned with the bills aforesaid,

Which were placed among the orders of the day.

Mr. Baldwin presented a petition from G. W. Ferguson, asking permission to dam the Miami River in Dade County.

Which petition was read, and on motion, referred to the Committee on Internal Improvement.

Mr. Baldwin also presented the petition of G. W. Ferguson for a grant of lands in the Everglades;

Which was read, and on motion, was referred to the Committee on Internal Improvement.

Mr. Johnson offered the following resolution, viz:

Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That the General Assembly will adjourn sine die on Wednesday, the 22d instant.

Which was read a first time and, on motion, the rule was waived and the resolution read a second time and ordered to be engrossed for to-morrow.

Mr. Finley, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills report as correctly engrossed, "An Act to prevent certain persons from peddling in this State."

Respectfully submitted. J. J. FINLEY,

Chairman.

Which was received and the bill placed among the Orders of the Day.

Mr. Provence, from the Committee on Corporations, made the following report:

Your Committee, to whom was referred a bill entitled "An Act to repeal an act entitled an act granting the Alabama and Florida Rail Road Company land granted or hereafter granted to the State by the General Government, for the purpose of aiding in the construction of a Rail Road from Pensacola to Montgomery," through their Chairman beg leave to report that they recommend the passage of said bill.

D. PROVENCE,

Chairman Committee on Corporations.

Which was received and read and the bill placed among the Orders of the Day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 8th, 1852. }

Hon. President of the Senate :

SIR—The House has concurred in Senate amendments to the House Preamble and Resolution, asking a change of the mail route between Tampa and Fort Mellon, and to establish a mail route between the Town of Tampa and old Tampa Bay, and for other purposes.

Respectfully,

JOHN DICK,

Clerk House Representatives.

Which was read.

ORDERS OF THE DAY.

Engrossed bill to be entitled An Act to authorize Lucius A. Hardee to establish Ferries across the Suwannee and Withlacoochee rivers,

Was read a third time, and upon the question of its passage, the vote was :

YEAS—Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Smith, Snell and Stewart—15.

NAYS—0.

So the bill passed—title as stated.

Ordered, That the same be certified to the House of Representatives.

Engrossed bill to be entitled An Act to repeal an act to authorize Platt and others to build a bridge across Suwannee river,

Was read a third time, and upon the question of its passage the vote was as follows :

YEAS—Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Smith, Snell and Stewart—15.

NAYS—0.

So the bill passed—title as stated.

Ordered, That the same be certified to the House of Representatives.

Engrossed bill to be entitled An Act to prevent certain persons from peddling in this State,

Was read a third time, and upon the question of its passage the vote was :

YEAS—Messrs. Baldwin, Blackburn, Brown, Buddington, Gonzalez, Hawes, Johnson, Long, Moseley, Smith and Snell—11.

NAYS—Mr. President, Messrs. Finley, Forsyth, Gillis, Provence and Stewart—6.

So the bill passed—title as stated.

Ordered, That it be certified to the House of Representatives.

Joint resolution in regard to suspending An Act for the removal of the Indians

Was read a second time and, on motion, was referred to the Committee on the State of the Commonwealth.

A bill to be entitled An Act authorizing the institution of suits in certain cases against corporations by publication

Was read a first time and ordered for a second reading on to-morrow.

A bill to be entitled An Act requiring Judges of Probate to give Bond

Came up on a second reading, and on motion, the Senate went into Committee of the Whole, upon said bill, Mr. Hawes in the chair.

After some time spent therein, the Committee rose, and through their Chairman, reported the bill back to the Senate, without amendment, and asked to be discharged ;

Which report was concurred in.

On motion of Mr. Brown, the bill was referred to the Committee on the Judiciary.

A bill to be entitled An Act to repeal an act entitled an act granting to the Alabama and Florida Railroad Company, land granted or hereafter to be granted by the General Government, for the purpose of aiding in the construction of a Railroad from Pensacola to Montgomery,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

House bill to be entitled An Act to establish election Precincts in the County of Putnam,

Was read a third time, and upon the question of its passage, the vote was :

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Provence, Smith and Stewart—16.

NAYS—None.

So the bill passed—title as stated.

Ordered, That the same be certified to the House of Representatives.

House bill to be entitled An Act for the relief of the clerk of the Circuit Court for the County of Holmes,

Came up on a second reading, when Mr. Johnson offered the following amendment, viz :

Strike out the first section after the enacting clause, and insert "That from and after the passage of this act, it shall be lawful for the clerks of the Circuit Courts, in and for the Counties of Holmes and Calhoun, to hold their offices and exercise the duties thereof in any place in said counties, within five miles of said Court Houses, but the said clerks shall be required to be at their respective Court Houses on the morning of the day fixed by law, for holding Circuit

Courts; also to have the books and all papers relating to the business in said Courts, at the Court Houses on the day of holding the Circuit Courts, in and for the said Counties of Holmes and Calhoun.

Which amendment was adopted, and the bill, as amended, read a second time, and ordered for a third reading on to-morrow.

A bill to be entitled An Act to preserve the Judicial and State Libraries of this State, and to appoint a Librarian therefor;

Was read a first time,

Mr. Baldwin moved to reject the bill,

Upon the question shall the bill be rejected, the yeas and nays were called for by Messrs. Baldwin and Brown.

The vote was as follows:

YEAS—Mr. President, Messrs. Baldwin, Brown, Buddington, Forsyth, Gillis, Gonzalez, Johnson, Moseley, Smith and Stewart—11.

NAYS—Messrs. Blackburn, Finley, Hawes, Long, Provence and Snell—6.

So the said bill was rejected.

A bill to be entitled An Act to amend and simplify the Election Laws now in force in this State;

Was read a first time by its title, when, on motion of Mr. Baldwin, the further reading was dispensed with, and 75 copies ordered to be printed for the use of the General Assembly.

An Act to amend the 11th clause of the 5th article of the Constitution of this State, and also to amend an act amendatory of the 12th clause of the 5th article of the Constitution of this State, and adopted by the third and fourth General Assemblies, so as to give the election of the judges to the people,

Came up, and on motion of Mr. Finley, the said act was read a first, second and third times, (this being the first day,) and was, on motion, ordered for a second reading on to-morrow.

An Act to amend the seventeenth clause of the fifth article of the Constitution of this State,

Came up, and on motion, was read a first, second and third times, (this being the first day,) and ordered for a second reading on to-morrow.

The following message was received from His Excellency, the Governor:

EXECUTIVE CHAMBER, FLORIDA, }
Tallahassee, December 8, 1852. }

To the Hon. R. J. FLOYD,

President of the Senate, &c.:

Sir,—I have the honor to respond to a Preamble and Resolution of the Senate transmitted to me yesterday by its Secretary, requesting an "answer at as early a day as practicable, if not incompatible with the public service."

It was my intention and desire, in the Message and Accompanying Documents, which I had the honor to communicate to the General Assembly at the opening of the present session, to furnish all the information in my possession, respecting the transactions

which I have had in regard to the Seminole Indians, since the last session; and although I believe all the information desired on this subject by the resolution, may be obtained by a reference to my Message and the Documents Accompanying it, yet I will very cheerfully answer all the "queries" propounded, so far as I have information.

To the *first query*, I answer that no troops were ordered or authorized by me, into the "Military service of the State" prior to the month of February last, nor do I believe that there were any in such service. On the 21st of February, I directed Maj. General Hopkins of the Second Division of Florida Militia, to repair to the Indian frontier of this State, as a *Special Agent*, to enquire into the causes of excitement and alarm, which had been reported to me as prevailing in the settlements on the Indian borders, with authority to order out such a force of the Militia as he might judge necessary for the protection and security of the people. *To my letters of instruction I beg to refer.*

To the *second and third queries*, I answer—as soon as General Hopkins reached the frontier, a small force of about twenty mounted men was recruited, which was subsequently increased to about forty, and continued in the service to the present time, and I presume were mustered into service under his instructions. *I beg to refer to his letters and reports.*

To the *fourth query*, I beg for answer, to refer the Senate to the letters accompanying my Message, from John J. Marshall, Esqr., H. E. Osteen, Esqr., Capt. John Hughey, Capt. A. Jernigan, Capt. S. L. Sparkman and Maj. General B. Hopkins, and to a number of letters of the same import, and to proceedings of large meetings of the people reported to me and now on file, in the office of the Secretary of State.

To the *fifth query*, I answer that it will be seen by my correspondence with General Hopkins, that I recommended, as staff officers, the appointment by him, of Arthur Ginn, Esqr., as Quarter Master, and Dr. A. S. Spear, as Surgeon, to the force called "into service"; and that I commissioned, as officers of the Militia, Capt. Aaron Jernigan, and Lieutenants Isaac Jernigan, and Needham Yates. No muster and pay rolls having yet been forwarded to this Department, I am uninformed of any other officers, that may have been called into service by General Hopkins, but am sure that none have been called into service whose services were not required, and this is an answer to the *sixth query*.

To the *seventh query*, if rightly understood by me, I answer—The same rule which governs in similar cases in the service of the United States, should "govern the action of the Legislature in making provision for the payment of the several officers" called into service by the State authorities. As I presume the General Assembly will call on the Government of the United States to re-imburse this State for the expenses incurred in protecting her citizens against the depredations and hostilities of the Seminole Indians remaining in Florida;

and as the *special agent* of the United States, charged with the removal of them, considers the services of the *special agent* of the State necessary to that object, his compensation should be of adequate character; and this is an answer to the *eighth query*.

To the *ninth query*, I answer—I have ordered proper muster and pay rolls and abstracts to be made out and forwarded to this Department, and have no doubt but that they will be received in due time, before the General Assembly adjourns; but when it is considered that this service is performed in a wilderness and unsettled portion of this State, several hundred miles from the Capitol, with no advantages of speedy mail communications, some allowance must be made for delays and irregularities. All the accounts for subsistence, forage and transportation have been regularly paid, as presented to this Department; an account of which will be furnished by the Comptroller of Public Accounts, whenever required.

To the *tenth query*, I answer—Gen. Hopkins captured 11 Indians, consisting of 1 warrior, 2 boys about 15 years old, and 8 women and children; which number, and 1 child captured by Capt. Jernigan, were delivered to General Blake, the *Special Indian Agent* of the United States, by my orders. This answers the *eleventh query*, except the latter clause. To which I answer—I know of no payment made by Gen. Blake, the *special agent* of the United States, on account of the Indians delivered to him by Gen. Hopkins, unless it might be on account of expenses of transportation. I certainly gave no instructions to demand payment for them; but as Gen. Blake, by a contract made with the Commissioner of Indian Affairs, is entitled to receive a sum *per capita* from the United States for the removal of the Indians, the services of Gen. Hopkins and the force under him deserve the stronger consideration, and suggest a claim on that account. To my instructions to Gen. Hopkins in regard to captured Indians, I beg to refer the Senate.

The *twelfth query* is answered in the foregoing, except the last clause, to which for answer, I again respectfully refer the Senate to my Message and correspondence. If the Indians emigrate in good faith, in accordance with the agreement made at Washington by Bowlegs and his party, the State will, of course, be relieved from further expense and annoyance on their account. But experience has taught me to repose no confidence in their promises. I think the authorities of the State should adopt such a course in regard to them as will convince them that we intend to make them comply with their agreement. Any measures which the General Assembly may adopt, I will cheerfully sustain and execute to the best of my ability.

I have the honor to be,

Very Respectfully,

Your most ob't. &c.,

THOS. BROWN.

Which was read, and on motion of Mr. Baldwin, the message was laid upon the table for the present.

Also, the following message was received from His Excellency, the Governor:

EXECUTIVE CHAMBER, FLORIDA, }
December 9, 1852.

To the Hon. R. J. FLOYD,

President of the Senate, &c.:

Sir,—I nominate A. M. Reed, J. C. Hemmin, Marcus Neil, Samuel Buffington and J. H. H. Bours, for Port. Wardens of the port of Jacksonville, in the County of Duval; and B. F. Townsend, John R. Mitchell, William Thomas, Matthew Knight and George C. Pace, for Auctioneers for the County of Duval.

I have the honor to be, &c.,

THOMAS BROWN.

Which was read, and on motion of Mr. Buddington, the nominations therein contained were advised and consented to.

The following message from the House of Representatives was received, viz:

HOUSE OF REPRESENTATIVES, }
December 8th, 1852.

Honorable President of the Senate:

SIR—The House have passed the following bills, viz:

A bill to be entitled An Act in addition to and amendatory of the several Acts concerning Writs of Error and Appeals.

Also, without amendment, the Senate bill to be entitled An Act to separate the offices of Sheriff and Tax Assessor and Collector in the County of Nassau.

Very Respectfully,

JOHN DICK,

Clerk House of Representatives.

And read, and on motion of Mr. Baldwin, the Secretary was instructed to return the bill to be entitled An Act in addition to and amendatory of the several Acts concerning Writs of Error and Appeals to the House of Representatives—said bill not being properly endorsed by the Clerk.

The Senate bill to be entitled An Act to separate the offices of Sheriff and Tax Assessor and Collector;

Was ordered to be enrolled.

Mr. Finley made the following report:

The Committee on Engrossed Bills, report as correctly Engrossed: "An Act to provide for the election of a County Site in the County of Walton."

Respectfully submitted.

J. J. FINLEY,

Chairman.

Which was read, and the bill placed among the orders of the day.

On motion, the Senate adjourned untill to-morrow morning, 10 o'clock.